

Claim Rejections - 35 U.S.C. § 103

Claims 4 and 8 are rejected under 35 U.S.C. §103(a) as being obvious over Application No. 09/585,402 to Ishikawa et al. (now U.S. Patent No. 6,500,286) and further in view of von Arx (U.S. Patent No. 3,096,202).

Claims 5 and 8 are also rejected under 35 U.S.C. §103(a) as being obvious over Ishikawa et al. in view of Suzuki (JP 09155881).

Applicant respectfully disagrees. Applicant wishes to point out that Ishikawa et al. does not qualify as prior art under either sections 102 or 103. Applicant notes that the priority dates (March 16, 1998; July 22, 1998; December 24, 1998) for the above-identified application are well before the U.S. filing date (June 2, 2000) of the Ishikawa et al. patent. Indeed, Applicant submits herewith verified translations of the three priority documents so as to perfect priority in the application. Ishikawa et al. is therefore disqualified as prior art with respect to the application. Applicant urges withdrawal of the rejections.

Claim Rejections - Double Patenting

Claims 4 and 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of Ishikawa et al. in view of von Arx.

Claims 5 and 8 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4 and 8 of Ishikawa et al. in view of von Arx and Suzuki.

As discussed above, the primary Ishikawa et al. reference is disqualified as prior art with respect to the above-identified application. Priority for the application is perfected herewith. Applicant therefore urges withdrawal of all rejections.

In view of the above remarks, Applicant respectfully submits that this application is in condition for allowance and requests favorable action thereon.

In the event this paper is not considered to be timely filed, Applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, along with any other fees which may be required with respect to this application, referencing Attorney Docket No. 107348-00041.

Respectfully submitted,

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